

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 44 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 health and criminal law and procedure.
- 4 Page 1, between lines 10 and 11, begin a new paragraph and insert:
- 5 "SECTION 2. IC 16-41-6-1 IS AMENDED TO READ AS
- 6 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Except as
- 7 provided in IC 16-41-10-2.5 and subsection (b), a person may not
- 8 perform a screening or confirmatory test for the antibody or antigen to
- 9 HIV without the **oral or written** consent of the individual to be tested
- 10 or a representative as authorized under IC 16-36-1. A physician
- 11 ordering the test or the physician's authorized representative shall
- 12 document whether or not the individual has consented. The test for the
- 13 antibody or antigen to HIV may not be performed on a woman under
- 14 section 5 or 6 of this chapter if the woman refuses under section 7 of
- 15 this chapter to consent to the test.
- 16 (b) The test for the antibody or antigen to HIV may be performed if
- 17 one (1) of the following conditions exists:
- 18 (1) If ordered by a physician who has obtained a health care
- 19 consent under IC 16-36-1 or an implied consent under emergency
- 20 circumstances and the test is medically necessary to diagnose or
- 21 treat the patient's condition.
- 22 (2) Under a court order based on clear and convincing evidence
- 23 of a serious and present health threat to others posed by an
- 24 individual. A hearing held under this subsection shall be held in

- 1 camera at the request of the individual.
- 2 (3) If the test is done on blood collected or tested anonymously as
- 3 part of an epidemiologic survey under IC 16-41-2-3 or
- 4 IC 16-41-17-10(a)(5).
- 5 (4) The test is ordered under section 4 of this chapter.
- 6 (5) The test is required or authorized under IC 11-10-3-2.5.
- 7 (c) A court may order a person to undergo testing for HIV under
- 8 IC 35-38-1-10.5(a) or IC 35-38-2-2.3(a)(16).".
- 9 Renumber all SECTIONS consecutively.
- (Reference is to ESB 44 as printed April 6, 2007.)

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Representative Orentlicher